

Attorney Docket No.: J6886(C)
Serial No.: 10/828,906
Filed: April 21, 2004
Confirmation No.: 5655

REMARKS

Claims 1-2, 4-6 and 10-13 were rejected under 35 U.S.C. §103(a) over Rodrigues et al. (U.S. Patent Application Publication No. 2004/0266921) in view of Alaluf et al. (U.S. Patent 6,287,553). Applicant traverses this rejection.

Personal care products often can be rather sensitive to degradation. Heat or extended storage can cause unsightly color changes. Key culprits are ingredients with one or more double bonds in their structure. Of particular susceptibility to photo and/or oxidative degradation are materials that have two olefinic double bonds in a conjugated relationship. This breeds color bodies.

Applicant has surprisingly found that certain types of substituted urea compounds, especially those with hydroxyalkyl groups inhibit the formation of unsightly color. Most particularly degradative are the conjugated linoleic acids.

Rodrigues et al. discloses hydroxyalkyl ureas solving a hydration problem experienced by aqueous-based polymer compositions.

By contrast, applicant faced a totally different problem in connection with conjugated linoleic acids. These are not polymers. There is absolutely no indication in Rodrigues et al. that hydroxyalkyl ureas would have any influence in reducing the incidences of color bodies in susceptible conjugated olefin compounds. Anyone of skill in the art seeking to solve the problem would have had no recommendation that hydroxyalkyl ureas could provide a solution.

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Alaluf et al. was cited for disclosing conjugated linoleic acid (CLA) in a dermatologically acceptable carrier. This reference has no mention that CLA has a color body generation body.

A combination of Rodrigues et al. in view of Alaluf et al. would not render the instant invention obvious. The primary reference does not disclose the ability of hydroxyalkyl ureas to have any functionality for preventing color body formation, and there is no reference to CLA. Alaluf et al. discloses CLA as a cosmetic ingredient, yet this reference does not recognize the susceptibility of CLA to color degradation. Thus, neither of the references describe the problem of the present invention nor is there suggested any solution to ameliorate the problem. For instance, applicant has shown in the specification under Example 8 that hydroxyalkyl urea can indeed inhibit formation of color bodies resultant from the presence of CLA.

Claims 1-2, 4-6 and 10-13 were rejected under 35 U.S.C. §103(a) as unpatentable over Perricone (US Patent 6,296,861) in view of Moller et al. (EP 2 703 185). Applicant traverses this rejection.

Perricone was cited as teaching use of CLA for treatment of damaged skin. No mention is made of hydroxyalkyl urea. There is no discussion that CLA have an instability problem resulting in color body formation.

Moller et al. was introduced as teaching hydroxyalkyl ureas in cosmetics compositions as skin moisturizers. This secondary reference utilizes the ureas for retaining and/or storing water within the skin to keep it soft and flexible. No mention is made that these ureas could function to prevent color body formation, particularly those associated with degradation of CLA.

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A combination of Perricone in view of Moller et al. would not render the instant invention obvious. Perricone mentions CLA but not the propensity of this material to degrade and cause color body formation in the compositions. Moller et al. utilizes hydroxyalkyl ureas as moisturization agents. Nothing is said or suggested that the ureas have any functionality against inhibiting color bodies. Thus, neither the primary reference nor the secondary one teach the fundamental problem which applicant sought to address and neither of the references suggest that hydroxyalkyl ureas could solve that problem. Any person of skill in the art would, therefore, be clueless about the existence of the color formation issue with CLA and with the hydroxyalkyl urea solution to that problem. For all these reasons, the combination of art would not render the instant invention obvious.

In view of the foregoing comments, applicant requests the Examiner to reconsider the rejection and now allow the claims.

Respectfully submitted,

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